

WASHINGTON STATE FIRE MANAGEMENT ASSISTANCE GRANT 2009 APPLICANT MANUAL

**Washington State Military Department
Emergency Management Division**



Timothy J. Lowenberg, Major General, The Adjutant General
Director, Washington Military Department
Camp Murray, Washington 98430-5122

James Mullen, Director of Emergency Management Division
Building 20
Camp Murray, Washington 98430-5122

Toll Free (800) 562-6108
24 Hr (800) 258-5990

Please send all documents to the address below:

Gerard Urbas
Fire Management Assistance Grant Program
Washington Military Department
Emergency Management Division
Building 20B, MS: TA-20
Camp Murray, Washington 98430-5122

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WASHINGTON STATE FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

I. INTRODUCTION

When a fire or fire complex threatens to cause such destruction that it would constitute a major disaster, federal assistance may be authorized to any state for the mitigation, management, and control of the fire or fire complex that is burning uncontrolled on publicly or privately owned forests or grasslands.

The Fire Management Assistance Grant Program (FMAGP) was established under the Disaster Mitigation Act of 2000, Section 420 of the Stafford Act, 42, U.S.C. 5187. This program was implemented on October 30, 2001.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, authorizes federal financial assistance to help states with the mitigation, management, and control of fires on publicly or privately owned forests or grasslands that could develop into a major disaster. A request by the Governor's Authorized Representative (GAR) for a Fire Management Assistance Declaration facilitates this assistance.

When evaluating the request for a federal declaration, FEMA considers the threat on lives and improved property, including critical facilities/infrastructure and critical watersheds. FEMA also considers the availability of firefighting resources, the fire danger conditions, and any potential major economic impact. This criteria assists in the determination of whether the fire or fire complex threatens such destruction as would constitute a major disaster.

Upon approval by the Department of Homeland Security's Federal Emergency Management Agency (FEMA), the Fire Management Assistance Declaration provides for the FMAGP to reimburse state and local governmental agencies for suppression and emergency protective measures. The amount of financial assistance available depends upon the state meeting or exceeding the fire cost threshold through eligible expenditures for an individual fire, or eligible expenditures on a cumulative basis for the calendar year. The individual fire cost threshold set for the State of Washington for the year 2009 is \$386,065.¹ The cumulative threshold is \$1,158,195.²

The Governor's Authorized Representative (GAR), or alternate, is responsible for program administration. For calendar year 2009, the Emergency Management Division (EMD), Washington Military Department, administers the program as the Grantee.

¹ The individual fire cost threshold for the State is the greater of \$100,000 or 5% x \$1.07 x the state population, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published by the Department of Labor.

² The cumulative fire cost threshold is the greater of \$500,000 or three times the 5% x \$1.07 x the state population.

II. ELIGIBILITY

A. Eligible Applicants

Each state must have a formally approved State Mitigation Plan (SMP) to be eligible for FEMA assistance. Washington State has an approved SMP. State agencies, local governments, and tribal governments are eligible applicants to receive financial assistance under a Fire Management Assistance Declaration. The Incident Commander must request the applicant's resources. Privately owned entities and volunteer firefighting organizations are not eligible applicants, but may be reimbursed through a contract or compact with an eligible applicant for eligible costs associated with the declared fire or fire complex.

B. Cost Principles

The Cost Principles are outlined in 44 CFR Part 13.22, Allowable Costs; and the associated OMB Circular A-87, Cost Principles for State and Local Governments.

C. Incident Period

The incident period for a declared fire is usually not established until the fire is controlled. The FEMA Regional Administrator, in consultation with the Governor's Authorized Representative (GAR) and the Principal Advisor³ will determine the start and end dates of the incident period. The incident period is considered closed when the fire is controlled. The end of a shift or a workday normally marks the closing of the incident period.

Generally, wildland firefighting costs must be incurred during the incident period of a declared fire to be considered eligible under FMAGP. Several exceptions to this rule exist for costs related to pre-positioning, mobilizing and demobilizing, temporary work, and arson investigation.

D. Eligible Costs

All eligible work and related costs must be associated with the federally approved incident period of a declared fire. The work performed must be the legal responsibility of the applicant, required as a result of the declared fire, and located within the designated area (except for pre-positioning costs).

Eligible costs include those for the following items:

³ The Principal Advisor is appointed by the U.S. Forest Service or the Bureau of Land Management. This person is responsible for providing FEMA with a technical assessment of a fire or fire complex and is a designated FEMA representative.

1. ***Equipment and Supplies*** (Category H if firefighting – Category B if emergency work)
 - a) Personal comfort and safety items normally provided by the state under field conditions for firefighter health and safety.
 - b) Firefighting supplies, tools, and materials expended or lost to the extent not covered by reasonable insurance will be replaced with comparable items.
 - c) Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.
 - d) Reimbursement for use of U.S. government-owned equipment based on reasonable costs as billed by the federal agency and paid by the state. (Only direct costs for use of Federal Excess Personal Property (FEPP) vehicles and equipment on loan to State Forestry and local cooperators may be eligible.)
 - e) Repair of applicant-owned equipment damaged in firefighting activities to the extent not covered by reasonable insurance. Eligible cost of repairs will be based on the lowest applicable equipment rates or other rates as determined by FEMA.
 - f) Replacement of applicant-owned equipment lost or destroyed in firefighting activities to the extent not covered by reasonable insurance. Replacement will be with comparable equipment.
 - g) Purchase of supplies and equipment that are necessary to respond to the declared fire may be eligible. However, the grantee or subgrantee may be required to compensate FEMA for the fair market value of the cost of the equipment and supplies when the items are no longer needed for the declared fire.
 - h) Equipment and supplies required for emergency work activities (Category B). Activities include, but are not limited to, police barricading, traffic controls, and emergency operations center costs.
2. ***Labor*** (Categories B and H)
 - a) Overtime for permanent or reassigned state and local employees not performing fire-related activities (Category B). Regular and overtime for temporary hires. This may include police, logistical support, and other personnel involved in eligible fire-related activities.
 - b) Regular time and overtime for temporary and contract employees hired to perform fire-related activities (Category H).

c) Seasonally employed personnel, when covered under existing budgets and used for a fire during the season of employment, are considered permanently employed for the purpose of cost eligibility. This means only their overtime salary and benefits would be eligible.

d) Overtime costs for regular full-time employees backfilling for other regular full-time employees who are performing eligible emergency work.

3. ***Travel and Per Diem*** (Categories B and H)

a) Travel and per diem for all state, Indian Tribal, and local government employees who are providing services directly associated with eligible fire-related activities may be eligible. This may include employees and firefighters.

b) Provision of field camps and meals when made available in lieu of per diem.

4. ***Pre-positioning Costs*** (Category H)

a) Pre-positioning federal, out-of-state, and international resources for up to 21 days prior to a fire declaration, when approved by FEMA. Only the pre-positioning costs for the resources actually used on the declared fire are eligible for funding. Standby equipment, or equipment that remained at the staging area, are not eligible for funding.

b) Pre-positioning costs must be approved by FEMA. Requests for pre-positioning costs must be submitted to FEMA within seven days of approval of a fire management assistance declaration.

5. ***Emergency Work / Emergency Protective Measures*** (Category B)

FEMA may authorize emergency work under Section 403 of the Stafford Act, Essential Assistance, under an approved fire management assistance grant when directly related to the mitigation, management, and control of the declared fire. This funding is for work associated with essential assistance that protects immediate threats to life and property. Eligible essential assistance activities may include, but are not limited to, police barricading and traffic control, extraordinary emergency operations center expenses, evacuations and sheltering, search and rescue, arson investigation teams, public information, and the limited removal of trees that threaten the general public.

Costs to support an arson investigation team may be eligible. These include goods and services such as supplies, photocopying, mail costs, utility and phone costs that can be directly tied to the arson investigation team; travel and per diem

6. ***Temporary repair of damage caused by firefighting activities*** (Category B)

Temporary repair of damage caused by eligible firefighting activities involves short-term actions to repair damage directly caused by the firefighting effort or activities. This includes minimal repairs to bulldozer lines, camps, and staging areas to address safety concerns, as well as minimal repairs to facilities damaged by the firefighting activities such as fences, buildings, bridges, roads, etc. All temporary repair work must be completed within 30 days of the close of the incident period for the declared fire. Temporary repairs does not include repair of damages caused by the declared fire.

7. Reasonable mobilization and demobilization costs directly related to the declared fire as approved by FEMA (Category H).
8. Reasonable costs for the mitigation, management, and control of declared fires burning on co-mingled federal/state lands, where the state has the responsibility for suppression activities under an agreement to perform such action on a non-reimbursable basis, and when such costs are not reimbursable by another federal agency.
9. *Administrative Costs* (Category Z)

The subgrantee may claim direct administrative costs for extraordinary costs associated with requesting, obtaining, and administering a subgrant for a declared fire. Direct costs include regular and overtime pay and travel expenses for permanent, reassigned, temporary, and contract employees who assist in the administration of the fire management assistance subgrant.

Funding for other direct costs incurred by the subgrantee administering a subgrant, such as equipment and supply purchases, may be eligible but must be reviewed by the Grantee and FEMA Regional Administrator.

Subgrantees may not claim indirect administrative costs.

E. Donated Resources

FEMA has determined that Donated Resources may be credited to offset the non-federal share of the eligible emergency work approved in PWs. Under FEMA Policy 9525.2 Donated Resources, FEMA will credit an applicant for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work (Category B) and fire fighting activities (Category H). The Donated Resources are submitted by project worksheets (PW) and must be supported by documentation (e.g., sign in-out sheet, call log, statement from provider). Donated labor must be documented by the volunteers signing in and out and the work activities involved identified.

The federal share of the Donated Resources will be applied to the full 25 percent non-federal share. If the federal share of the Donated Resources exceeds the non-federal

share of all of the eligible emergency work project worksheets, the excess will have no value. The excess cannot be transferred to another eligible applicant.

F. Mutual Aid

FEMA Policy Number 9523.6 became effective for fire management declarations made on or after August 13, 2007. The Mutual Aid policy applies to emergency work authorized under Section 420 Fire Management Assistance of the Robert T. Stafford Relief and Emergency Assistance Act, 42. U.S.C. §§ 5121-5206 (the Stafford Act).

To be eligible for reimbursement by FEMA, the mutual aid assistance must have been requested by a Requesting Entity or Incident Commander (IC), must be directly related to the declared fire, must have been used in the performance of eligible work, and the costs must be reasonable. FEMA will not reimburse costs incurred for self-deployment, unless the resources are subsequently used for eligible work at the request of the Requesting Entity or IC. The policy applies to all forms of mutual aid assistance.

When a pre-event written agreement exists between a Requesting Entity and a Providing Entity, the Providing Entity may be reimbursed through the Requesting Entity. Verbal agreements must be followed up with a written agreement. FEMA encourages parties to address the subject of reimbursement in their mutual aid agreements. FEMA will honor the reimbursement provisions in a pre-event agreement to the extent they meet the requirements. If a pre-event agreement includes an initial period of unpaid assistance, FEMA will reimburse eligible costs after the initial unpaid period and when all other criteria are met.

When a pre-event mutual aid agreement is silent on reimbursement, FEMA does not reimburse for any mutual aid assistance. However, when the parties do not have a pre-event written mutual aid agreement, or where a written pre-event agreement is silent on reimbursement, the Requesting and Providing Entities may verbally agree on the type and extent of mutual aid resources to be provided in the current event, and on the terms, conditions, and costs of such assistance.

These verbal agreements must be documented in writing and executed by an official of each entity with authority to request and provide assistance, and provided to FEMA as a condition of receiving reimbursement. The agreement should be consistent with past practices for mutual-aid between the parties. A written post-event agreement should be submitted within 30 days of the Requesting Entity's Applicant's Briefing.

A request for reimbursement of mutual aid costs must include a copy of the mutual aid agreement, regardless of when the agreement was signed between the requesting and providing entities. A request for reimbursement of mutual aid costs must include a written and signed certification by the requesting entity certifying the following:

- The types and extent of mutual aid assistance requested and received in performing eligible emergency work; and

- The labor and equipment rates used to determine the mutual aid cost reimbursement request.

Tracking of EMAC and U.S. Forest Service Incident Cost Accounting and Reporting System resources is not an eligible cost as mutual aid work.

Please refer to the Mutual Aid Policy available in Appendix H for additional information and specific requirements and limitations.

G. Incident Cost Accounting and Reporting System (ICARS)

ICARS is a cost-apportionment process the U.S. Forest Service uses to determine a fire's costs. **FEMA does not provide reimbursement based on the ICARS unless stipulated in a pre-existing contract for all fires, declared and non-declared, for a specific period of time.** In those instances, ICARS becomes a cost the state is incurring, even if it is not representative of actual costs incurred. However, even in those instances, FEMA must review the costs for reasonableness and may determine to reduce or withhold reimbursement if such costs are determined to be unreasonable.

If an applicant requests reimbursement for costs incurred through ICARS, detailed documentation to support the cost-share between the applicant and the U.S. Forest Service must be provided.

H. Ineligible Costs

Costs not directly associated with the incident period are ineligible. Ineligible costs include, but are not limited to, the following:

1. Costs incurred in the mitigation, management, and control of undeclared fires.
2. Costs related to planning, pre-suppression activities (i.e., cutting fire-breaks without the presence of an imminent threat, training, road widening), and recovery (i.e., land rehabilitation activities, such as seeding, planting, and erosion control, salvage of timber or other materials, and restoration of facilities damaged by fire). Tree replacement is an ineligible cost.
3. Costs for the straight or regular time salaries and benefits of an applicant's permanently employed or reassigned personnel.
4. Time and costs expended by volunteer labor, which by nature is offered on a donated basis and is not bound by contract or employment terms.
5. Costs for mitigation, management, and control of a declared fire on co-mingled federal land, when such costs are reimbursable to the state by a federal agency under another statute (see 44 CFR Part 51).

6. Planning actions such as risk assessments or pre-planned non-field training.
7. Costs incurred fighting fires on federal land.
8. Costs not supported by documentation.
9. Costs for standby equipment. FEMA will only reimburse costs for equipment when in use.
10. Costs for permanent repairs.

III. FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM PROCEDURES

The following procedures describe the application and approval process for a grant under the Fire Management Assistance Grant Program:

A. Request for Fire Management Assistance Subgrant (RFMA) (FEMA Form 90-133)

Submitting an RFMA form is the first step an applicant takes to indicate an intention to apply for federal assistance under a fire management assistance declaration. The representative of the affected entity (state, local, or tribal government) fills out this form, but this does not commit the entity to any financial obligation. The purpose of this form is to identify interested applicants and their points of contact, including addresses and telephone numbers. (The RFMA form is available in Appendix C-23.)

1. State, local, and tribal governments must submit an RFMA to the EMD not later than **25** days after close of the incident period.
2. The EMD will review the request and forward it to FEMA for approval.
3. FEMA will approve or deny the request based on the eligibility requirements outlined in the previous section.
4. The EMD will inform the applicant of FEMA's decision to approve or deny the request.
5. RFMA's submitted within a reasonable timeframe after the application deadline will be considered and may be forwarded to FEMA.

B. Designation of Applicant's Agent

The affected entity appoints an official representative to be the point of contact. This individual must be authorized to make decisions on behalf of the entity. (The *Designation of Applicant's Agent Resolution* form and instructions are available in Appendix C-7.)

1. All correspondence will be sent to the applicant's agent. All invoice vouchers for payment of funds to the applicant must be signed by the applicant's agent.
2. The designation of an applicant's agent must be made by resolution or by letter. The resolution must have the signatures of the majority of the voting members of the governing body. Their titles may be typed. The signed resolution may be photocopied; but the **certification** needs to have the **original signature** of the clerk of the governing body.

3. In lieu of this form, a letter from the chief executive officer or highest elected official of the jurisdiction (i.e., mayor, city manager, fire chief, etc.) may be used; but one may not appoint oneself as the applicant's agent.
4. It is highly recommended that the applicant also appoint an Alternate Applicant Agent who is authorized to act on behalf of the applicant should the primary Applicant's Agent be unavailable.

C. State Fire Management Assistance Grant Application

The applicant must complete a one-page formal application document. This document is the application for funding with the state. (The *State Fire Management Assistance Grant Application* form is available in Appendix C-25.)

1. The original form must be submitted to the state EMD within **four** months of the incident period. A photocopy of the signed application will not be accepted.
2. A copy of this signed document is sent to the applicant after it has been signed by the Governor's Authorized Representative (GAR) or alternate.

D. Agreement

Each approved applicant (state, local or tribal government) must enter into an agreement with the Emergency Management Division of the Washington State Military Department (EMD). The agreement describes the roles, responsibilities, conditions, and assurances that must be met to receive federal funds. The EMD Public Assistance Officer (PAO) is the primary contact for all transactions with and on behalf of the applicant. The PAO is also known as the Deputy State Coordinating Officer – Public Assistance (DSCO-PA).

E. Other Required Documents

Other documentation that may be required to finalize the agreement are the IRS form W-9, Electronic Funds Transfer (EFT) form, Signature Authorization Form and a Certification of Debarred Status. These documents will be provided to the Subgrantee by the State.

REIMBURSEMENTS

E. Final Costs Claimed

After FEMA has accepted the RFMA for an applicant, EMD will notify the applicant that their initial application has been accepted. The notification letter will identify the

incident period for eligible costs, provide the Final Costs Claimed (FCC) form, and include a deadline for submission of the FCC form.

As soon as the final costs have been compiled for the applicant's fire management costs, the applicant must complete and forward the Final Costs Claimed form to EMD. A separate Final Costs Claimed Form is required for each category of work. Force account labor and equipment costs should be listed separately from contracted services. A spreadsheet or financial report that details the costs the applicant is requesting and a spreadsheet or report that lists your force account labor should be submitted with the FCC. The Final Costs Claimed Form and spreadsheets or financial reports must be submitted not later than **four** months following the end of the incident period for the declared fire. (The *Final Costs Claimed* form is available in Appendix C-9.)

The Code of Federal Regulations (CFRs) requires applicants to submit their project worksheets (PWs) to the grantee (State EMD) within **six** months of the end of the incident period (CFR 44.204.53(c.2)). In Washington State applicants do not write their PWs; but all costs and supporting documentation must be submitted to the grantee (State EMD) within this time period.

Upon receipt of the Final Costs Claimed form(s), EMD will contact the applicant agent to arrange a FEMA/State team site visit. The team will review all of the financial records and documentation that support the costs claimed on the FCC and the spreadsheet or financial report.

F. Documentation Review

All supporting documentation for claimed costs must be reviewed for eligibility. If you are requesting reimbursement for a cost, the review team will review the documentation to support that cost. FEMA has template summary report forms available for your use. These forms list the costs for force account and contracted costs and are provided in Appendix C of this manual.

The FEMA forms are not required, but if you use your agency's financial reports or spreadsheets, they must provide the same information as the FEMA form. Your EMD Public Assistance Coordinator (PAC) can provide you with electronic copies of the FEMA forms. The PAC is available to help you. Please do not hesitate to contact the PAC if you have any questions or need assistance.

The documentation listed below will be reviewed if you are claiming the associated cost. This is not an all-inclusive listing and other documentation may be requested. It is not necessary that you are present during the review process, but we do request that someone be available to answer questions or provide additional documentation.

- ✓ A spreadsheet that summarizes all of your costs. The totals on this spreadsheet should match the Final Costs Claimed form and the totals of any reports, invoices, vouchers, equipment and material costs, mileage and per diem,

contracted labor, and force account labor costs. Please submit this report with your Final Costs Claimed form.

- ✓ A spreadsheet or report that lists your force account labor or temporary/seasonal hires complete with the name, job title, dates worked, hours worked on each day, regular rate of pay, overtime rate of pay, and the benefit rates for each employee. Your form or FEMA's form can be used. Please provide this report with your Final Costs Claimed form.
- ✓ If you are requesting reimbursement for benefits, a breakdown of the benefits for each employee is required. This applies to regular time benefits and overtime benefits. A FEMA form is available for your use.
- ✓ A random sampling of timesheets for permanent and temporary personnel will be requested based upon the spreadsheet or report that lists these personnel. We will notify you of this request prior to our visit so the timesheets can be available during this review.
- ✓ If you are requesting reimbursement for Category Z (grants management), regular time and overtime salaries are eligible. These are your costs to request and manage the grant. These costs are not associated with emergency protective measures or firefighting activities. Spreadsheets and a random sampling of timesheets are required to support the costs, as well as position descriptions for your staff performing these functions. Your payroll coding should designate a specific code for fire grants management and the timesheet should show this coding. If you are able to track goods and services (copying, postage), these costs may be eligible for reimbursement. Please include them on your spreadsheet.
- ✓ Spreadsheets or reports that list the equipment or vehicle used, the size/type of the equipment, the operator for each piece of claimed equipment or vehicle, the dates the equipment or vehicle was used, the dates and hours of use, and the equipment or vehicle rate. Please be sure the reports that list your personnel include the operator's name (even if their hours are for regular time only). Standby costs for equipment and vehicles are not eligible.
- ✓ Vendor invoices and vouchers for those costs that you are requesting reimbursement.
- ✓ A copy of your jurisdiction's equipment / vehicle rate. If the FEMA rate is lower, the FEMA rate will be used. Equipment/vehicle rates cannot include depreciation. In addition, a copy of the document that shows your governing body adopted the equipment rental rates for this year is required.
- ✓ FEMA wants to know that not only was the cost incurred, but that you paid for the cost. Financial reports that match the total costs claimed for labor,

equipment, and material. An invoice that indicates that payment was made is usually sufficient.

- ✓ If per diem and/or travel reimbursement is requested, travel vouchers will be reviewed. A financial report, as a standalone document, is not sufficient as it is not a source document. Travel voucher labor must be supported by your force account labor report. Travel costs for ineligible labor is not eligible.
- ✓ Personnel policies or union contracts regarding overtime pay or exchange time for force account labor.
- ✓ A sample cost-share agreement and any addendums.
- ✓ A sample mutual aid agreement.
- ✓ Sample vendor contracts.

Note: This is not an all-inclusive list and you may be asked for additional information or documentation. Although every effort will be made to provide you with sufficient time to provide the requested information or documentation, please be aware we are operating under very tight timeframes. We must have all information and supporting documentation for all claimed costs received and reviewed within six months of the end of the incident period. In addition, FEMA may request additional documentation or additional information after they review the PW package.

G. Project Worksheet (FEMA Form 90-91)

After review of the eligible costs and all documentation, the FEMA/EMD team will write a project worksheet (PW) for each category of work. If applicable, a PW will also be written for any Donated Resources. Documentation to support all claimed costs will be included with each PW. In Washington State, EMD and FEMA write the PWs for the applicant.

EMD will compile all of the costs for the fire to ensure the fire threshold has been met. We may ask you for the total amount you spent to fight the fire. If the individual or cumulative fire threshold is met, the PWs will be submitted to FEMA for review and approval. If the individual or cumulative fire threshold is not met, EMD will notify each applicant that the PWs will not be submitted.

1. Any PW with total eligible costs under \$1,000 is ineligible for reimbursement.
2. A PW is written for each Category of Work and for Donated Resources:
 - Category B – Emergency Work
 - Category H – Firefighting Activities
 - Category Z – Grant Administrative Costs

3. The following documentation is attached to the PW when submitted to FEMA:
 - Copies of sample agreements and contracts
 - Copies of personnel policies and union contracts
 - Spreadsheets, FEMA summary reports, and financial reports to support the amount requested
 - The Final Costs Claimed form
 - If a narrative is written to further support the costs and the Statement of Work, this will be attached to the PW. EMD will write this narrative and provide you with a copy for your review.
4. Copies of all documentation supporting the PW must be retained as backup documentation by the subgrantee for six years from the date of the closure of their grant agreement..

H. Payments

The deadline for all funding requests and supporting documentation to be submitted to EMD is no later than **six months** from the close of the incident period. EMD will submit all PWs to FEMA. Funding is available for payment to the applicant only *after* FEMA has approved the applicant's PW. When FEMA approves funding for a declared fire, each PW is approved separately. Some PWs may be approved before others. If a PW is submitted for an amount greater than \$1 million, FEMA Region X will review the PW and forward the PW it to FEMA national headquarters for review and approval.

1. ***Project Worksheet Approval*** – Upon receiving approval of a PW, the applicant will be notified in writing of the funding amount and the breakdown on a cost share basis. EMD will send the applicant a completed A19-1A Invoice Voucher and a copy of the approved PW package.
2. ***A19-1A Invoice Voucher (A19)*** – Upon receipt of the project funding approval, the applicant agent should immediately sign the A19 Invoice Voucher for the funds due, and submit it to EMD for payment. The invoice voucher requires the signature of the designated applicant agent. The completed and signed form should be sent to:

Fire Management Assistance Grant Program
Washington Military Department
Emergency Management Division
Building 20B, MS: TA-20
Camp Murray, Washington 98430-5122

Payment for the approved funds will be processed upon receipt of the A-19-1A. (A sample A-19-1A *Invoice Voucher* form is in Appendix C-16 for your reference.)

All payments will be made by Electronic Funds Transfer (EFT). The Office of Financial Management (OFM) manages the direct deposit information for the state. You only need to register once to receive direct deposit payments from all state agencies that you do business with. A copy of the direct deposit authorization form is provided with the Agreement. **If you do not already have direct deposit payments, please complete the form and return it with your agreement.** If you already have direct deposit set up with the State, then please note that on the form and return it with your agreement.

I. Closure

After payment of the approved funding, the applicant's file will be closed, unless an appeal is filed. The applicant will be notified by letter that the grant is closed.

J. Appeals

If an eligible applicant does not agree with any FEMA determination, they may appeal the determination within 60 days of receipt of the determination according to the following procedures:

1. ***Levels of Appeal*** – A first appeal is made through EMD to the FEMA Regional Administrator. If the resultant determination is also appealed, a second appeal through EMD to the FEMA Assistant Administrator for Disaster Assistance is possible.
2. ***Format and Content*** – The applicant shall make an appeal in writing through EMD to the FEMA Regional Administrator. The appeal should contain **documented justification** that supports the applicant's position, the monetary figure in dispute, and provisions in the federal law, regulation, or policy with which the applicant believes the initial action was inconsistent. This includes determinations on applicant eligibility, work eligibility, and cost.
3. ***Time Limits*** – Applicants must file appeals within 60 days after receipt of notice of the action the applicant is contesting. EMD will review and forward an applicant's appeal, with a written recommendation, to the FEMA Regional Administrator within 60 days of receipt of the appeal. FEMA's Regional Administrator will notify EMD of the disposition of the appeal, or the need for additional information, within 90 days following receipt of the appeal.
4. ***Second Appeal and Final Decision*** – The requirements outlined above for the first appeal are also followed for a second appeal. The decision of the FEMA Assistant Administrator for Disaster Assistance at the second level of the appeal will be FEMA's final administrative decision.

K. Documentation

Applicants must establish a filing system to maintain all records pertaining to their fire management assistance grants. These records should be easily accessible to state and federal auditors and program staff. Records are required to be maintained for a period of six years from the date of closure of each applicant's grant application.

L. Audit Requirements

Audits are required in compliance with the Federal Single Audit Act and will be performed under 44 CFR 13.26. FEMA may elect to conduct a program-specific federal audit. When an audit is conducted, one copy of the audit report shall be sent to the Chief Financial Officer of the Washington Military Department **within nine months** after the close of the fiscal year.

All applicants receiving financial assistance from the Federal Emergency Management Agency must comply with OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations. This circular provides government-wide standards for implementing the Single Audit Act of 1984, Public law 98-502, rescinds OMB A-128, and replaces Attachment P to OMB Circular A-102.

For audit purposes, the Act divides state and local governments into two categories as follows:

1. Applicants who expend \$500,000 or more in **total** federal financial assistance in one fiscal year must have an audit made for that year in accordance with OMB Circular A-133.
2. Applicants who expend less than \$500,000 in total federal financial assistance in a fiscal year are exempt from compliance with the Act and other federal audit requirements.

IV. FUNDING

All fire management assistance grants are subject to a cost share. Under the FMAGP there is no cost-share adjustment. The grant application for each declared fire is subject to the 75 percent federal cost share.

A. **Federal Funding**

FEMA provides 75 percent of the funding for approved eligible costs.

B. **Non-Federal Funding**

The applicant is responsible for a 25 percent non-federal share. Donated Resources credit is also subject to the 75% federal / 25% non-federal cost share.

C. **Duplication and Recovery of Assistance**

1. ***Duplication*** – FEMA provides supplementary assistance under the Stafford Act, which generally may not duplicate benefits received by, or available to, the applicant from another source (i.e., insurance, legal awards, other assistance programs, other federal agencies, etc.). Grants will be reduced by the amounts available from other sources.
2. ***Negligence*** – FEMA will not provide assistance to an applicant for costs attributable to the applicant's own negligence. Also, if an applicant suspects negligence by a third party for causing a condition which was funded by FEMA under the Fire Management Assistance Grant Program, the applicant is responsible for taking all reasonable steps to recover those funds. These funds must be repaid to FEMA through EMD.
3. ***Intentional Acts*** - Any person who intentionally causes a condition for which assistance is provided by FEMA shall be liable to the United States to the extent that FEMA incurs costs attributable to the intentional act or omission that caused the condition. FEMA may provide assistance, but it will be conditioned on an agreement by the applicant to cooperate with FEMA in efforts to recover the assistance from the liable party. However, a person shall not be liable under this section as a result of actions the person takes or omits in the course of rendering care or assistance in response to the fire.
4. ***Recovery of Overpayments*** - Every effort is made to avoid instances where applicants receive more funds than can be supported by documentation. If an overpayment is determined by EMD, FEMA or through an audit, EMD will send a letter to the applicant requesting repayment of the funds. When an applicant is required to return an overpayment to the State, the warrant must be made payable to the Military Department, Emergency Management Division.

V. DEFINITIONS & ACRONYMS

The following definitions explain terms as used in the Fire Management Assistance Program.

Applicant - a government or other legal entity that receives an award and which is accountable to the state for the use of the funds provided.

Applicant Agent: - the person the local jurisdiction delegates the authority to manage the fire grant. This individual will authorize all payments and be the primary contact with EMD.

Assistant Administrator for Disaster Assistance – the FEMA Assistant Administrator of Disaster Assistance, or his/her designated representative is located at FEMA Headquarters in Washington D.C.

Code of Federal Regulations - "44 CFR, Chapter 1, Federal Emergency Management Agency," the primary volume regarding the Fire Management Assistance Program under the Federal Emergency Management Agency's direction.

Damage Assessment - the process utilized to determine the magnitude of damage and the unmet needs of the public sector caused by a disaster or emergency event.

Declared Fire – an uncontrolled fire or fire complex that threatens such destruction as would constitute a major disaster, which the Associate Director has approved in response to a state's request for a fire management assistance declaration.

Demobilization - the process and procedures to deactivate, disassemble, and transport back to their point of origin all resources that have been provided to respond to and support a declared fire.

Donated Resources – the volunteer labor, donated equipment, or donated materials used in the performance of eligible emergency work (Categories B and H). Donated Resources offset the non-federal share of the eligible emergency work approved in PWs.

Federal Emergency Management Agency (FEMA) - the federal agency created to provide a single point of accountability for all federal activities related to disaster mitigation and emergency preparedness, response, and recovery.

FEMA/State Agreement - the formal legal document between FEMA and the state that states the understandings, commitments, and binding conditions for assistance applicable as the result of the declaration of a fire. The agreement is signed by the FEMA Regional Administrator, or designee, and the Governor.

Fire Complex – two or more individual fires located in the same general area that are assigned to a single Incident Commander.

Force Account - an applicant's own labor forces and equipment.

Governor's Authorized Representative (GAR) - the person empowered by the Governor to execute, on behalf of the state, all documents for fire management assistance, including the request for a fire management assistance declaration.

Grant - an award of financial assistance, including cooperative agreements, by FEMA to an eligible state. The grant award will be based on the projected amount of total eligible costs for which a state submits an application and that FEMA approves related to a declared fire.

Grantee – the Emergency Management Division, Washington State Military Department..

Incident Commander - the ranking official responsible for overseeing the management of fire operations, planning, logistics, and finances of field response.

Incident Period – the time interval during which the declared fire occurs. The Regional Director, in consultation with the Governor’s Authorized Representative and the Principal Advisor (**from the US Forest Service**), will establish the incident period. Generally, to be considered eligible, costs must be incurred during the incident period which occurs between the declared start and time of the fire and the end dates and times of the fire as determined by FEMA.

Indian Tribal Government - any federally recognized governing body of an Indian tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C.479a.

Local Government - any county, municipality, city, town, public authority, school district, special district, intrastate district, council of governments, regional or interstate government entity, agency or instrumentality of a local government, or other political subdivision of any state, any Indian tribal government or authorized tribal organization and any rural community, unincorporated town or village, or other public entity for which an application for assistance is made by a state or political subdivision thereof.

Mitigation, Management, and Control - those activities undertaken, generally during the incident period of a declared fire, to minimize immediate adverse effects and to manage and control the fire. Eligible activities may include associated emergency work and pre-positioning of people and equipment directly related to the declared fire.

Mobilization - the processes and procedures used to activate, assemble, and transport all resources the Incident Commander requests to respond in support of a declared fire.

Mutual Aid – the agreement between federal, state, or local governments to provide emergency assistance to each other in the event of disasters or other crises. The agreements may be written or verbal.

Pre-positioning – to move existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity that is likely to constitute the threat of a major disaster.

Project Worksheet (FEMA Form 90-91) - this form identifies actual costs incurred by eligible applicants as a result of the eligible firefighting activities.

Regional Administrator – a director of a FEMA regional office or his/her designated representative.

State – the State of Washington. The Fire Management grant is awarded to the State of Washington and the state is accountable for the use of the funds provided. The state is the entire legal entity, even if only a particular component of the entity is designated in the grant award document.

Subgrantee – also known as Applicant.

Subgrant Application – Project Worksheet

Threat of a Major Disaster – the potential impact of a fire or fire complex is of such severity and magnitude that it would result in a presidential disaster declaration for the Public Assistance Program, the Individual Assistance Program, or both.

Uncontrolled Fire – any fire not safely confined to predetermined control lines as established by firefighting resources.

Washington Military Department - the Emergency Management Division of the Washington Military Department, which is the agency responsible for administering the Fire Management Assistance Grant Program in the State of Washington.

ACRONYMS

The following acronyms are used in the Fire Management Assistance Program.

CFR	Code of Federal Regulations
EMD	Emergency Management Division
FCC	Final Costs Claimed form
FEMA	Federal Emergency Management Agency
FEPP	Federal Excess Personal Property
FMAGP	Fire Management Assistance Grant Program
GAR	Governor's Authorized Representative
IC	Incident Commander
OMB	Office of Management and Budget
PAC	Public Assistance Coordinator
PAO	Public Assistance Officer
PL	Public Law
PW	Project Worksheet
RFMA	Request for Fire Management Assistance Subgrant
SMP	State Mitigation Plan
USFS	U.S. Forest Service
WMD	Washington Military Department

VII. MISCELLANEOUS RESOURCES

Internet Reference/Resources:

EMD information on Fire Management Program: http://emd.wa.gov/grants/grants_fmaggp.shtml

FEMA information and forms: <http://www.fema.gov/government/grant/fmagp/index.shtm>
(FEMA has recently changed the URL address for FMAG information. This is the current web address.)

FEMA and State forms are also on EMD's website:
http://emd.wa.gov/disaster/disaster_forms.shtml

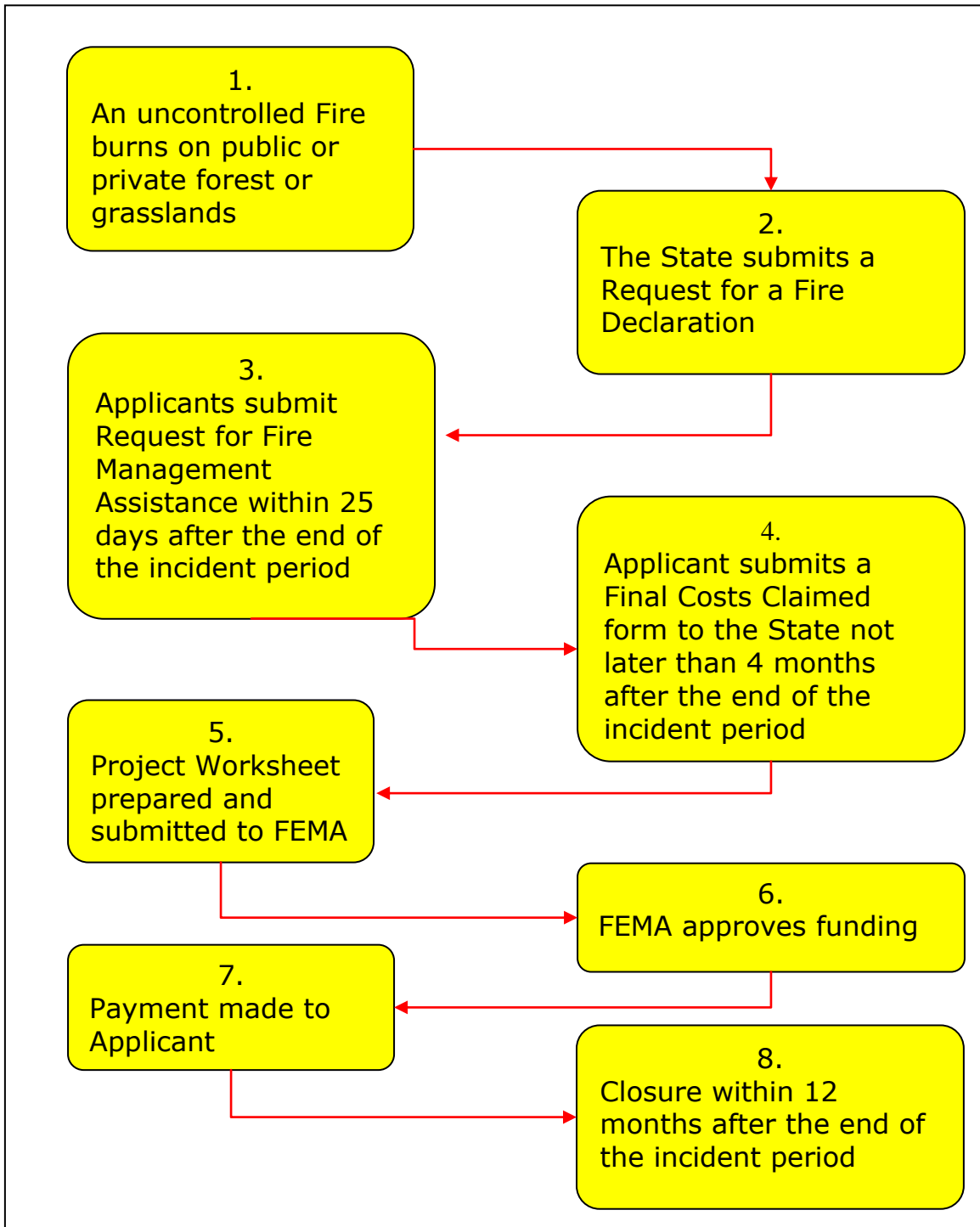
Robert T. Stafford Act, P.L. 93-288: <http://www.fema.gov/library/stafact.htm>

OMB circulars on the Internet: <http://www.whitehouse.gov/omb/circulars/>

**EMERGENCY MANAGEMENT DIVISION
WASHINGTON MILITARY DEPARTMENT**

Fire Management Assistance Grant Program

PROCESS



FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

APPLICANT CHECKLIST Name of Fire (Incident Period)

✓	Form	Deadline / Requirements	Where More Information Can Be Found in the Applicant Manual
	Request for Fire Management Assistance Subgrant	Deadline: 25 days after close of the incident period	Page 9; form is in Appendix C, page 52 (FEMA Form 90-133)
	Designation of Applicant Agent	Submit when you apply for assistance	Page 9; form is in Appendix C, page 37 (State Form)
	State Fire Management Assistance Grant Application	Necessary for funding with the state; submit as soon as possible	Page 10; form is in Appendix C, page 56 (State Form – FMAGP-001)
	State Agreement/Contract	Necessary to receive federal funds from state; two copies of the agreement sent with cover letter and any attachments	Page 10 (State agreement)
	Signature Authorization	Required by State Contracting Office	Page 10; form is in Appendix C, page 53
	Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form	Necessary for receiving federal funds; submit as soon as possible	Page 10; form is in Appendix C, page 35
	Final Costs Claimed form	Deadline: 4 months after end of Incident Period. Extension considered on a case-by-case basis.	Page 10; form is in Appendix C, page 39 (State Form – FMAGP-002)
	Project Worksheet (PW)	Will be prepared by the federal/state team, after receipt and review of the final costs claimed form	Page 13; form is in Appendix C, page 31 (FEMA Form 90-91) (Applicant does not use this form)
	A-19-1A Invoice Voucher (Payment)	Upon FEMA's project funding approval for a PW, you will be sent a completed A-19-1A for signature to request payment	Page 14; form is in Appendix C, page 45 (State Form)

FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM “BEFORE THE NEXT FIRE”

DEADLINES TO REMEMBER...

Within:

- * 25 days of the Incident Period: Applicants must submit their initial request for a Fire Management assistance Subgrant to EMD. EMD must collate and submit these requests for FEMA within 30 days.
- * Four Months of Incident Period: Applicants must submit their final Costs Claimed form(s) and cost summary spreadsheet to EMD. The FEMA/State team will visit to review costs and then prepare Project Worksheet(s) based upon these claimed costs.
- * Six Months of Incident Period: All costs must be finalized and the supporting documentation provided to EMD. EMD will submit the final application package to FEMA with the PWs and supporting documentation.
- * Twelve months of end of the Incident Period: The fire must be closed. This means all applicants reimbursed, their application closed, and the fire closed.

FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM “BEFORE THE FIRE”

GENERAL POINTS TO REMEMBER:

- * Incident Period: Includes start and stop times in addition to the dates.
- * Labor / Benefit Costs:
 - ✓ Regular time backfill is not eligible. Overtime backfill is eligible.
 - ✓ Overtime labor and benefit costs are an eligible Category B cost for your personnel, whether permanent or reassigned. Regular time is not eligible. Compensatory or exchange time is eligible with supporting policies or union contracts.
 - ✓ Regular and overtime labor and benefit costs are an eligible Category B or H for temporary hires or contracted labor.
- * Donated Resources: may reduce the amount of your 25% non-federal share. Donated Resources includes volunteer time, donated equipment, and donated materials. Track when your volunteers started and when they stopped, and what they did. For equipment and materials, ask the provider for the amount they would have charged.
- * Administrative Costs: Subgrantees (applicants) may claim direct administrative costs for extraordinary costs associated with requesting, obtaining, and administering a subgrant. This includes regular and overtime pay and travel expenses for permanent, reassigned, temporary, and contract employees. You must be able to directly report the costs to the specific fire. This is usually best achieved through a separate budget code that is assigned to the fire. Subgrantee indirect administrative costs are not eligible.
- * Applicant’s Agent: All applicants must designate an Applicant’s Agent to act on behalf of the organization. We recommend you also appoint an alternate. EMD will provide you with this information.
- * Prepare for FEMA/EMD Team: A FEMA/EMD team will visit each applicant to review the claimed costs and supporting documentation.

The team will look at all documentation to support your claimed costs. –

- ✓ random sampling of timesheets for force account labor
- ✓ all vendor invoices and vouchers
- ✓ spreadsheets that summarize and/or detail your costs (labor & equipment lists)
- ✓ financial reports that support your costs
- ✓ personnel policies regarding overtime pay
- ✓ sample cost-share agreements and any addendums, mutual aid agreements
- ✓ a sample vendor contract